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**The Inspector
General
of the Air Force**

**Report of Investigation
(FRNO: 2012-22115)**

Complainant: Technical Sergeant

(b)(6),(b)(7)(C)

July 2013

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TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Scope and Authority.....	2
III. Background.....	2
IV. Complainant Assignment Chronology.....	8
V. Standards and Analysis.....	10
Standards.....	10
Analysis.....	13
VI. Summary and Conclusions.....	32
List of Exhibits.....	43

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REPORT OF INVESTIGATION (FRNO: 2012-22115)

CONCERNING

Allegations of Wrongdoing from Technical Sergeant (b)(6),(b)(7)(C)

PREPARED BY

COLONEL (b)(6),(b)(7)(C)

July 2013

I. INTRODUCTION

The Secretary of the Air Force Inspector General (SAF/IG) received a complaint from Technical Sergeant (b)(6),(b)(7)(C) through her attorney via Federal Express on 26 Oct 12. (Ex 1) In her written complaint prepared by her attorney, TSgt (b)(6),(b)(7)(C) made a number of allegations, including allegations of assault, harassment, and hostile work environments, over her career in the Air Force. The majority of the misconduct alleged by TSgt (b)(6),(b)(7)(C) occurred while she was stationed at Shaw Air Force Base (AFB), South Carolina (SC), as a member of the 20th Fighter Wing (20 FW). TSgt (b)(6),(b)(7)(C) has been assigned to the 20 FW since 2006, with the exception of a deployment to Iraq in 2010. However, TSgt (b)(6),(b)(7)(C) also alleged misconduct of a similar nature occurred during her time at Pope AFB, North Carolina (NC); Kunsan Air Base (AB), Korea; and Luke AFB, Arizona (AZ).

Upon reviewing TSgt (b)(6),(b)(7)(C) written complaint, SAF/IG made the determination to have an IG investigating officer (IO), in conjunction with a legal advisor, conduct an in-person complaint clarification interview with TSgt (b)(6),(b)(7)(C). On 6 Nov 12, the IG IO and legal advisor interviewed TSgt (b)(6),(b)(7)(C) at the Pentagon. TSgt (b)(6),(b)(7)(C) attorney, Ms. (b)(6),(b)(7)(C) was present for the entire interview, which was recorded and transcribed. As a result of the information discovered during the interview, SAF/IG made the decision to formally refer allegations against leadership and members of the 20 FW, located at Shaw AFB, SC, to the Ninth Air Force Commander (9 AF/CC), Major General Lawrence L. Wells. The completed 9 AF/CC Commander Directed Investigation (CDI) is included as an exhibit in this report. This IG report summarizes the results of the CDI and addresses the remaining allegations.

II. SCOPE AND AUTHORITY

The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force.¹ When directed by the Secretary of the Air Force or the Chief of Staff of the Air Force, The Inspector General has the authority to inquire into, and report on, the discipline, efficiency, and economy of the Air Force and perform any other duties prescribed by the Secretary or the Chief of Staff.² The Inspector General must cooperate fully with The Inspector General of the Department of Defense.³ Pursuant to Air Force Instruction (AFI) 90-301, *Inspector General Complaints Resolution* (23 Aug 11), Incorporating Change 1 (6 Jun 12), paragraph 1.13.4, The Inspector General has oversight authority over all IG investigations conducted at the level of the Secretary of the Air Force.

One of several missions of The Inspector General of the Air Force is to maintain a credible inspector general system by ensuring the existence of responsive complaint investigations characterized by objectivity, integrity, and impartiality. The Inspector General ensures the concerns of all complainants and subjects, along with the best interests of the Air Force, are addressed through objective fact-finding.

This report is the culmination of The Inspector General's inquiry into the concerns raised by TSgt (b)(6),(b)(7)(C).

III. BACKGROUND

TSgt (b)(6),(b)(7)(C) is assigned to the 20 FW at Shaw AFB, SC. She is assigned as a ICO, which is a flight records and aviation records management specialist. (Ex 22) She enlisted in the Air Force in 1995 and served at Pope AFB, NC, as part of the 41st Airlift Squadron (41 AS) from 1995 through 2000. (Ex 22:11) TSgt (b)(6),(b)(7)(C) alleged that soon after arriving at Pope AFB in the 1995 timeframe, she was issued chemical warfare gear with what she thought was the Spanish word for "bitch" marked on the back of the issued jacket. (Ex 40:215-216) While stationed at Pope AFB, TSgt (b)(6),(b)(7)(C) deployed to Sembach AB, Germany, in support of operations in Bosnia. During this deployment in the 1995-1996 timeframe, TSgt (b)(6),(b)(7)(C) alleged a master sergeant, whom she could not identify at the time of the complaint clarification interview with SAF/IG, took her to his room after a night of drinking, dropped his pants, and told her to touch his penis. TSgt (b)(6),(b)(7)(C) stated in testimony the master sergeant never touched her during this incident. (Ex 40:12-13) Given that this complaint alleged potential criminal misconduct, SAF/IG referred it to the Air Force Office of Special Investigations (AFOSI). AFOSI's synopsis of the incident/findings is included later in the "Summary and Conclusions" section.

¹ Title 10, United States Code, Section 8014.

² These authorities are outlined in Title 10, United States Code, Section 8020.

³ Title 10, United States Code, Section 8020(d).

TSgt (b)(6), was reassigned from the 41 AS, Pope AFB, in September 2000 to the 80th Fighter Squadron (80 FS) at the 8th Fighter Wing (8 FW), Kunsan AB, Korea, for a one-year remote tour. (Ex 22:11) TSgt (b)(6), described Korea as the "Land of Do As You Please." (Ex 40:57) During her complaint clarification interview with SAF/IG, TSgt (b)(6), described a meeting with the 8th Fighter Wing Vice Commander (8 FW/CV), whose name TSgt (b)(6), could not remember. TSgt (b)(6), stated during this meeting to assist the 8 FW/CV with a flight records review in his office, the 8 FW/CV offered her alcohol and encouraged her to remove her battle dress uniform (BDU) top, which would have left her wearing a utility shirt (a T-shirt) and camouflage pants. (Ex 40:61-62) Further, she alleged the 8 FW/CV was openly pleased with the female Airmen at Kunsan AB; TSgt (b)(6), specifically indicated the 8 FW/CV told her she looked good in her uniform. (Ex 40:50, 63) TSgt (b)(6), also alleged a number of other incidents in which alcohol and socializing led to inappropriate activities both on and off base. For example, TSgt (b)(6), related that while she was in a downtown area called "A-Town," a male, whom TSgt (b)(6), thought to be a pilot from Kunsan AB, picked up TSgt (b)(6), carried her from the street into a bar, and placed her on top of a table in the bar, where people she thought to be pilots were singing songs with offensive lyrics. (Ex 1:5, Ex 40:66-68) TSgt (b)(6), also recounted an incident on base during which a pilot she identified as Capt (b)(6), (b)(7)(C) pushed her up against a wall with his body. (Ex 40:51) Another example involved a group of pilots inviting TSgt (b)(6), and another female enlisted member to go over to the home of the 8th Fighter Wing Commander (8 FW/CC), then Col (b)(6), (b)(7)(C) for breakfast after TSgt (b)(6), returned to the base from a night of partying. (Ex 40:52) At this breakfast at the 8 FW/CC's house, TSgt (b)(6), alleged she was unwillingly duct-taped to a male military member she presumed to be a pilot. (Ex 40:53-56)

Next, TSgt (b)(6), (b)(7)(C) transitioned to Luke AFB, AZ, and remained stationed there from 2001 through 2006. (Ex 22:11-21) At Luke AFB, TSgt (b)(6), (b)(7)(C) alleged pilots subjected her to inappropriate situations involving alcohol use in her unit, sexually offensive behavior within the unit and sexual harassment at a sporting event. Examples included enlisted members cleaning up throw up [vomit] in the squadron left by inebriated pilots and one of the pilots, whom TSgt (b)(6), (b)(7)(C) could not identify by name at the time of the complaint clarification interview with SAF/IG, making inappropriate comments to her at a baseball game regarding her appearance while in the presence of her husband. (Ex 40:85-92)

In June 2006, TSgt (b)(6), (b)(7)(C) was assigned to the 20th Operations Support Squadron (OSS) at Shaw AFB, SC. (Ex 22:23) In her complaint to the IG and during her clarification interview with the SAF/IG IO and legal advisor, TSgt (b)(6), (b)(7)(C) detailed the following issues regarding alleged misconduct or toleration of misconduct by members of

the 20 FW during her time in the unit (unless otherwise noted these issues were referred to 9 AF/CC for investigation):⁴

- Beginning in June 2006, (b)(6),(b)(7)(C) one of TSgt Smith's (b)(6),(b)(7) at the time, used inappropriate language of a sexual nature in the workplace, and Lt Col (b)(6),(b)(7)(C) TSgt (b)(6),(b)(7) squadron commander at the time, knew of the inappropriate behavior. (Ex 40:27-36)
- In 2008, while on temporary duty (TDY) in Las Vegas, Nevada (NV), TSgt (b)(6), observed several officers at a party with enlisted members where an enlisted female member became so intoxicated that she could not stand on her own. (Ex 40:106-107)
- In 2008, TSgt (b)(6), found doofer books⁵ containing sexually offensive and pornographic material within the 55th Fighter Squadron (55 FS), which is part of the 20th Operations Group (20 OG). (Ex 40:21) She reported the matter to Lt Col (b)(6),(b)(7)(C) her squadron Director of Operations, and requested the doofer books be removed. (Ex 40:21)
- Within 20 OG units, pilots engaged in the excessive consumption of alcohol and consumption of alcohol during duty hours while others were still on duty. (Ex 40:132-134, 212-214)
- There were squadron bars⁶ taking up federal property space and maintained with taxpayer funds. (Ex 40:132, 212-214)
- Before deploying to Iraq in 2010, TSgt (b)(6),(b)(7)(C) expressed that she did not feel comfortable around the pilots in her squadron to one of her supervisors, SMSgt (b)(6),(b)(7)(C) who told TSgt (b)(6),(b)(7)(C) to toughen up and let them know when something is not appropriate. (Ex 40:116-117)

⁴ See 9 AF CDI.

⁵ Doofer books are a collection of documents historically used in Air Force aviation units that assign their rated members call signs during a ceremony often called Name or Naming Ceremonies. The doofer book documents actions of rated members without call signs to aid in picking a call sign that identifies with that member's personality or other duty/flying related actions that may be noteworthy in a memorable yet humorous way. These books frequently contained inappropriate comments that were sexual in nature in misguided efforts to make the naming process more grandiose. (IO et al.) Additional details available in the 9 AF CDI.

⁶ The existence of squadron lounges was not investigated; however, the use of alcohol within the squadrons was investigated. See 9 AF CDI for additional details.

- While deployed to Iraq in 2010, a male that TSgt (b)(6), (b)(7)(C) could not identify by name grabbed her outside the gym, dragged her behind the gym, pushed her up against the wall, groped her while holding his arm under her neck and lifting her off the ground, said, "I could kill you right now, bitch and no one is going to miss you," and called her a "cunt." TSgt (b)(6), (b)(7)(C) indicated this person was wearing an Army physical training uniform. TSgt (b)(6), (b)(7)(C) also alleged Air Force leadership failed to take measures to prevent sexual assaults. (Ex 1:8:9, Ex 40:127-131) The allegation concerning the unnamed male was referred to AFOSI due to the criminal nature of the complaint. It will not be addressed in detail under the cover of this report. AFOSI's synopsis of the incident/findings is covered later in the "Summary and Conclusions" section. Finally, the deployed environment and other allegations, including alleged Privacy Act violations, related to TSgt (b)(6), (b)(7)(C) 2010 deployment to Iraq are covered in the 9 AF CDI.
- Both Lt Col (b)(6), (b)(7)(C) her squadron commander during her deployment to Iraq, and the deployed flight surgeon, whom TSgt (b)(6), (b)(7)(C) identified as Capt (b)(6), (b)(7)(C) and who was later correctly identified as Lt Col (b)(6), (b)(7)(C) improperly disclosed information about medical treatment TSgt (b)(6), (b)(7)(C) required and the flight surgeon made an inappropriate comment about the required treatment. (Ex 10, Ex 40:121-127)
- TSgt (b)(6), (b)(7)(C) and others were subjected to hostile work environments during her deployment as well as at home station based on material in mission briefings that was offensive and degrading to women. TSgt (b)(6), (b)(7)(C) specifically complained of a video that personnel at the operations desk played almost daily on a large briefing screen during her deployment to Iraq. (Ex 40:142-152)
- TSgt (b)(6), (b)(7)(C) and others were subjected to offensive language of a sexual nature that TSgt (b)(6), (b)(7)(C) considered degrading to her and other women. (Ex 40)
- During a TDY to Las Vegas, NV, in the 2010-2011 timeframe, TSgt (b)(6), (b)(7)(C) observed a member of her unit, Capt (b)(6), (b)(7)(C) using government equipment to produce materials related to a naming ceremony using pornographic images. (Ex 40:111-113) During that TDY, members of TSgt (b)(6), (b)(7)(C) unit also held a naming ceremony in a private area at a casino with strippers in attendance. (Ex 40:101, 111)

- In January 2012, TSgt (b)(6) discovered files containing sexually explicit and sexually offensive material on the shared computer drive. (Ex 40:157-165) TSgt (b)(6) went to Capt (b)(6),(b)(7)(C) a member of the 55 FS, and asked him to get rid of the materials. (Ex 40:165-168)
- In July 2012, TSgt (b)(6) discovered pornographic magazines and songbooks with inappropriate lyrics in the 77th Fighter Squadron (77 FS) and one of the doofer books she had reported finding back in in 2008 in the 55 FS. TSgt (b)(6) met with CMSgt (b)(6),(b)(7) the 20 OG Superintendent, and reported what she had found to him. (Ex 40:161-163)
- In mid-October 2012, TSgt (b)(6) briefly met Maj Gen Wells, 9 AF/CC, in the squadron's lounge during his unit visit to the 79th Fighter Squadron (79 FS). During the meeting, TSgt (b)(6) noticed yellow panties hanging from a tiger's tooth on the wall in the lounge.⁷ (Ex 40:170-171)
- On 23 Oct 12, TSgt (b)(6) verified the offensive material was still present in the 20 OG squadrons and 20 OG computer servers. (Ex 40:177-178)

On 24 Oct 12, TSgt (b)(6) filed a complaint with SAF/IG through her lawyer, Ms. (b)(6),(b)(7)(C). On 6 Nov 12, the SAF/IG IO and legal advisor conducted a complainant clarification interview with TSgt (b)(6),(b)(7)(C) and Ms. (b)(6),(b)(7)(C) at the Pentagon. On 12 Dec 12, SAF/IG referred 38 allegations involving 16 subjects to 9 AF/CC for investigation concerning TSgt (b)(6),(b)(7)(C) complaints against members of the 20 FW dating back to June 2006. (Ex 1:22, Ex 2, Ex 40)

The 9 AF CDI IO completed her investigation in May 2013 and substantiated 16 of the 38 referred allegations:

- The IO interviewed 205 witnesses, consisting of 54 female witnesses, eight of which were female officers.
- 44% of those interviewed reported personally seeing either inappropriate or offensive material in the workplace.

⁷ As there was no evidence that Maj Gen Wells actually saw the panties hanging in the lounge, SAF/IG determined there was not sufficient evidence to support an allegation of wrongdoing against Maj Gen Wells. (Ex 33:5-6) During TSgt (b)(6) interview with the 9 AF CDI IO, TSgt (b)(6) and her counsel raised a concern about the fact that the CDI was initiated by Maj Gen Wells. (Ex 35) Maj Gen Wells referred the matter to the Commander, Air Combat Command, who referred the matter to SAF/IG. (Ex 35) TIG then directed the Senior Official Inquiries Directorate (SAF/IGS) to look into the issues regarding Maj Gen Wells. On 17 May 13, SAF/IGS concluded that Maj Gen Wells did not know about or condone the display of the panties; Maj Gen Wells did not fail to provide for an environment free from sexual harassment; a conflict of interest did not hinder Maj Gen Wells' ability to conduct and make determinations regarding the findings of the CDI; and Maj Gen Wells need not be recused from continued participation as the commander directing the investigation. (Ex 33)

- 102 enlisted members were interviewed; 25 (25%) reported seeing inappropriate materials on network drives; five (5%) of the total enlisted interviewed were offended by what they saw.
- The most frequently reported instances where inappropriate images were displayed occurred during academic briefings at home station and in mission materials while on deployment.
- Of 102 enlisted personnel interviewed, three (3%) testified alcohol consumption by the pilots offended them.
 - Three other enlisted members said that it was inappropriate but not offensive.
 - The remainder of the enlisted personnel interviewed were not offended.
- Between 2008 and 2012, no reports of sexual harassment were made to the 20 FW Military Equal Opportunity Office. (Ex 10)

IV. COMPLAINANT ASSIGNMENT CHRONOLOGY⁸

DATE	ASSIGNED UNIT	DUTY TITLE	RATER/ ADDITIONAL RATER	COMMANDER
(b)(6),(b)(7)(C)	41st Airlift Squadron, Pope AFB, North Carolina (Air Mobility Command)	Operations Resource Management Apprentice	(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C)
	41st Airlift Squadron, Pope AFB, North Carolina (Air Mobility Command)	Operations Resource Management Specialist		
	41st Airlift Squadron, Pope AFB, North Carolina (Air Mobility Command)	Operations Resource Management Journeyman		
	43rd Operations Support Squadron, Pope AFB, North Carolina (Air Mobility Command)	Operations Resource Management Journeyman		
	43rd Operations Support Squadron, Pope AFB, North Carolina (Air Mobility Command)	Operations Resource Management Journeyman		
	8th Operations Support Squadron, Kunsan AB, Republic of Korea (Pacific Air Forces Command)	Assistant NCOIC Flight Records		
	63rd Fighter Squadron, Luke AFB, Arizona (Air Education and Training Command)	Assistant NCOIC Sq Aviation Resource Management		
	63rd Fighter Squadron, Luke AFB, Arizona (Air Education and Training Command)	NCOIC Sq Aviation Resource Management		
	63rd Fighter Squadron, Luke AFB, Arizona (Air Education and Training Command)	NCOIC Sq Aviation Resource Management		
	63rd Fighter Squadron, Luke AFB, Arizona (Air Education and Training Command)	NCOIC Sq Aviation Resource Management		

* Source: Dates, rater/additional rater data is based on TSgt (b)(6), Enlisted Performance Reports (EPRs). (Ex 22)

* Commander (CC) was confirmed by historian's office for EPRs not including CC as an endorser. (Ex 14)

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DATE	ASSIGNED UNIT	DUTY TITLE	RATER / ADDITIONAL RATER	COMMANDER
(b)(6),(b)(7)(C)	56th Operations Support Squadron, Luke AFB, Arizona (Air Education and Training Command)	NCOIC Current Operations Scheduling	(b)(6),(b)(7)(C)	
	20th Operations Support Squadron, Shaw AFB, South Carolina (Air Combat Command)	Aviation Resource Management Journeyman		
	20th Operations Support Squadron, Shaw AFB, South Carolina (Air Combat Command)	Assistant NCOIC Aviation Resource Management		
	20th Operations Support Squadron, Shaw AFB, South Carolina (Air Combat Command)	Unit Deployment Manager		
	20th Operations Support Squadron, Shaw AFB, South Carolina (Air Combat Command)	Unit Deployment Manager		
	55th Fighter Squadron, Shaw AFB, South Carolina (Air Combat Command)	NCOIC Sq Aviation Resource Management		
	20th Operations Support Squadron, Shaw AFB, South Carolina (Air Combat Command)	NCOIC Wing Training Program		

V. STANDARDS AND ANALYSIS

STANDARDS.

In addition to the standards referenced in the 9 AF CDI, the following standards are also applicable to the findings and investigative paths chosen for this case:

AFI 90-301, *Inspector General Complaints Resolution*, 23 Aug 11 (Inc. Ch 1, 6 Jun 12). (Ex 5)

1.6. Investigations not Covered by the Authority of the IG System. Personnel who direct or conduct administrative inquiries or investigations governed by other policy directives and instructions (e.g., CDIs) will not cite this instruction as the authority.

1.7. Authority to Direct Investigations. The Air Force CRP requires each investigation be initiated and closed in writing by a designated appointing authority. This authority is hereinafter referred to as appointing authority. The individuals listed below are the only positions authorized to direct an IG investigation. Appointing authorities have the singular authority to direct investigations, appoint investigating officers (IOs), and approve the report of investigation. Commanders or IGs at any organizational level will not further delegate "appointing authority" except as stated below.

1.7.1. Secretary of the Air Force (SECAF).

1.7.2. The Inspector General of the Air Force (SAF/IG) and designees.

1.7.3. Chief of Staff of the Air Force (CSAF).

1.7.4. Chief, National Guard Bureau (Chief, NGB).

1.7.5. The Adjutant General (TAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and The Commanding General of the District of Columbia.

1.7.5.1. The Assistant Adjutant General for Air (ATAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and the District of Columbia.

1.7.6. MAJCOM, FOA, DRU, NAF, Center, Installation, Wing, and Joint Base commanders.

1.7.7. MAJCOM, JFHQ, FOA, DRU, NAF, Center, NGB, Wing, ANGRC, and host Installation Inspectors General, if designated in writing by their respective commander. At the MAJCOM level, commanders can delegate appointing authority to their deputy Inspectors General or IGQ division chief.

1.8. Authority to Conduct Investigations.

1.8.1. Appointed investigating officers are authorized to conduct IG investigations within the scope of their appointment and under the authority and guidance of this instruction. Appointed investigating officers' responsibilities expire when the report of investigation (ROI) is approved by the appointing authority or after final higher headquarters approval, whichever is later.

1.8.1.1. Appointing authorities will not initiate investigations into allegations against themselves. Such allegations will be forwarded to the next higher-level IG for resolution.

1.8.1.2. Appointing authorities will not initiate investigations into allegations against their commander. Such allegations will be transferred to the next higher-level IG for resolution.

...

1.29. Allegations of Primary Interest Under the Air Force CRP. IGs will always retain responsibility to resolve allegations of:

- 1.29.1. Reprisal (see **Chapter 6**).
- 1.29.2. Restriction (see **Chapter 7**).
- 1.29.3. Improper Mental Health Evaluation (IMHE) referrals (see **Chapter 8**).
- 1.29.4. IG wrongdoing regarding actions taken relating to the CRP. The next higher-level IG will conduct the complaint analysis and investigate complaints if required.

1.30. Commander-Directed Investigations (CDIs).

1.30.1. All commanders possess inherent authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. The primary purpose of a CDI is to gather, analyze, and record relevant information about matters of primary interest to command authorities.

1.30.2. Commanders should:

- 1.30.2.1. Consult with the staff judge advocate (SJA) before initiating a CDI.
- 1.30.2.2. Refer to the CDI guide available on the SAF/IGQ portal website for guidance on conducting a CDI.

1.30.3. Commanders will not:

- 1.30.3.1. Cite this instruction as authority to conduct CDIs.
- 1.30.3.2. Investigate allegations of reprisal, restriction, or IMHE referral. Commanders will refer such allegations to the IG at the appropriate command level for investigation.
- 1.30.3.3. Refer suspected criminal or subversive activities into IG channels.
- 1.30.3.4. Appoint IGs or IG staff members as inquiry or investigation officers for CDIs. (**NOTE:** Air Force Reserve and Air National Guard IGs may be appointed to conduct CDIs at installations other than their own.)

1.30.4. Authority responsible for making release determinations for CDIs:

- 1.30.4.1. The commander is the authority responsible for making release determinations for commander-directed investigative reports unless the allegations pertain to senior officials. Refer to **Chapter 4**.
- 1.30.4.2. The commander must ensure all information subject to the Privacy Act and references to third-party information are protected.

1.30.5. Commander's reporting requirements for CDIs:

- 1.30.5.1. Report to SAF/IGS, through the applicable MAJCOM, NAF, JFHQ, FOA, DRU, or installation IG, all allegations against senior officials IAW reporting requirements set forth in **Chapter 4**.
- 1.30.5.2. Report all allegations of wrongdoing (which are not obviously frivolous) against colonels (or civilian equivalent) through their MAJCOM, NAF, JFHQ, FOA, DRU, or installation IG to SAF/IGQ IAW the reporting requirements set forth in **Chapter 5** of this instruction.

1.30.5.2.1. Report all substantiated findings recorded in a CDI on majors and lieutenant colonels to the appropriate IG.

1.30.5.3. Report all substantiated findings of wrongdoings in a CDI, or any other investigation, and/or adverse information (e.g. LOC, LOA, etc.) against majors and lieutenant colonels through their MAJCOM, NAF, JFHQ, FOA, DRU or installation IG. IGs will ensure these reports are recorded in ACTS IAW requirements set forth in **Chapter 5**. Notification that an investigation is underway on majors and lieutenant colonel is NOT required until the investigation is complete and the allegation(s) is substantiated.

...

2.5. Complainant's Responsibilities.

2.5.1. Under normal circumstances, complainants must submit IG complaints within 60 days of learning of the alleged wrong. Normally, complainants will prepare, sign, and submit to an IG an AF IMT 102 to ensure awareness of the Privacy Act and their responsibilities. Complainants making verbal or telephonic complaints should normally return a completed AF IMT 102 to an IG within 5 calendar days. Complaints not submitted on an AF IMT 102 should be drafted following the same format outlined in **Table 2.1**, steps 3, 4 and 5.

2.5.2. Time limit: Complainants must submit IG complaints in a timely manner in order for the IG to resolve them effectively. An IG is not required to look into a complaint if the complainant has failed to present the matter to an IG within 60 days of learning of the alleged wrong. IG complaints not reported within 60 days may seriously impede the gathering of evidence and testimony. The IG may dismiss a complaint if, given the nature of the alleged wrong and the passage of time, there is reasonable probability insufficient information can be gathered to make a determination, and/or no special Air Force interests exist to justify investigating the matter. See **paragraph 3.26** and **Table 3.12**.

2.5.2.1. IGs may accept and refer complaints that exceed the above time requirements if the complaint is of special Air Force interest or the complainant is able to demonstrate that he/she was unable to meet the time standards due to unforeseen or extraordinary circumstance, and such circumstance justifies the delay.

2.5.3. Cooperation. Complainants must cooperate with IGs and IOs by providing factual and relevant information regarding the issues and/or allegations (unless exercising Article 31, UCMJ, or Fifth Amendment rights). If complainants do not cooperate, the IG may dismiss the complaint if the lack of information leaves the IG unable to conduct a thorough complaint analysis.

2.5.3.1. Complainants will normally be allowed at least 5 calendar days to provide requested information prior to the IG dismissing their complaint. If a complaint is dismissed, and complainant later files the same complaint issues, the complaint will be accepted as a new complaint (i.e., with a new ACTS number).

2.5.4. Truthfulness. Complainants providing information to the Air Force IG system must understand they are submitting official statements within official Air Force channels. Therefore, they remain subject to punitive action (or adverse administrative action) for knowingly making false statements and for submitting other unlawful communications. Additionally, unless other protected by law, any information complainants provide to the IG is subject to release during or after the IG inquiry.

...

3.24. Referring a Complaint. When the complaint analysis discloses an organization or agency outside the Air Force IG Complaints Resolution system can more appropriately handle a complaint alleging a violation of instruction, policy, or procedure by a management official, IGs will refer the complaint to the appropriate organization or agency following the procedures described in **Table 3.11** and **paragraph 3.25**. When referring complaints, IGs will include the Referral Completion Report (RCR) template (see **Attachment 28**) with the complaint. The organization receiving the referral will complete the RCR and return it to the IG within 30 days of receipt along with a courtesy copy of their response to the complainant.

3.24.1. Ensure RCRs include:

3.24.1.1. Scope of the inquiry.

3.24.1.2. Findings of the inquiry.

3.24.1.3. Conclusions, recommendations and corrective actions.

3.24.2. Attach completed RCRs in ACTS under "Disposition/Resolution Documents".

...

Table 5.3. Documents Required by SAF/IGQ for Non-IG Cases on Colonels (or civilian equivalent) and any substantiated allegations against Majors or Lieutenant Colonels.

Rule 1: A commander-directed investigation or inquiry (CDI) -- The following documents must be provided to the IG before closing the case:

1. Copy of CDI report (case file and all attachments)

2. Copy of legal review (if accomplished)

3. Copy of the final command actions (including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject)

4. Copy of any rebuttal or statement provided by the subject

ANALYSIS.

The following analysis details the resolution paths chosen and actions taken to address the allegations and issues raised in TSgt (b)(6), (b)(7)(C) complaint to the IG:

Alleged Misconduct 2006 to Present, Shaw AFB, South Carolina:

In June 2006, TSgt (b)(6), (b)(7)(C) was assigned to Shaw AFB where she worked for a number of supervisors and leaders across the 20 FW. Allegations related to TSgt (b)(6), (b)(7)(C) assignment at Shaw AFB ranged from inappropriate comments from a named supervisor in 2006 to finding inappropriate sexually offensive material on computers and shared drives. Resolution path: Even though some of the complaints stemming from TSgt (b)(6), (b)(7)(C) assignment at Shaw AFB go back almost seven years, TSgt (b)(6), (b)(7)(C) provided significant detail concerning those complaints. SAF/IG determined enough witnesses were still in place or otherwise available to provide relevant information since the

allegations of misconduct during this period were centralized within the same wing and operations group. Considering the evidence provided and the potential for gathering further corroborating evidence, SAF/IG referred allegations involving the 20 FW to the 9 AF/CC in accordance with AFI 90-301, paragraphs 1.29, 1.30, and 3.24 for investigation.

Referred allegations: The following summary covers the findings for each allegation referred to 9 AF/CC (key leaders and supervisors in TSgt (b)(6), (b)(7)(C) chain of command from 2006 to 2013 are identified in the "Chronology" section above):

ALLEGATION 1: That Colonel (b)(6), (b)(7)(C) between on or about 22 June 2012 and on or about 31 October 2012, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 20th Operations Group Commander, in that he failed to take steps to prevent sexual harassment from occurring in the 20th Operations Group, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, Incorporating Change 1, 5 October 2011, paragraph 1.2.2, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that preventive measures and proactive steps were insufficient to convey the Air Force policy of zero tolerance for sexual harassment in the workplace, to include discouraging activities that would create a hostile work environment. Inaction by squadron commanders implies Col (b)(6), (b)(7)(C) direction on this issue lacked a sense of urgency and seriousness regarding preventing and correcting a hostile work environment.

ALLEGATION 2: That Colonel (b)(6), (b)(7)(C) between on or about 22 June 2012 and on or about 31 October 2012, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 20th Operations Group Commander, in that he failed to take immediate and appropriate action to investigate and resolve Technical Sergeant (b)(6), (b)(7)(C) complaint of sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, Incorporating Change 1, 5 October 2011, paragraphs 1.1 and 1.2.2, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Col (b)(6), (b)(7)(C) did not take sufficient action to investigate or resolve complainant's complaint, including not reviewing

materials on network drives or directing commanders to do so and not meeting with complainant to ensure her concerns were addressed.

ALLEGATION 3: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 11 April 2008 and on or about 31 December 2009, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties, in that he failed to take action in response to Technical Sergeant (b)(6),(b)(7)(C) report of a hostile work environment in the 55th Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence does not support Lt Col (b)(6),(b)(7)(C) was ever informed of doofer books being found in the 55 FS. Additionally, Lt Col (b)(6),(b)(7)(C) was not the commander of the 55 FS, where the doofer books were found. Lt Col (b)(6),(b)(7)(C) was not responsible for that squadron.

ALLEGATION 4: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 22 June 2007 and on or about 2 March 2009, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to enforce military equal opportunity policy of not tolerating sexual harassment in the 55th Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6),(b)(7)(C) did not tolerate sexual harassment in the workplace. The evidence supports he took immediate corrective steps when inappropriate material was brought to his attention. Additionally, there were no complaints of sexual harassment to the Military Equal Opportunity Office during the alleged timeframe.

ALLEGATION 5: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 2 March 2009 and on or about 4 October 2010, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to enforce military equal opportunity policy of not tolerating sexual harassment in the 55th Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO)*

Program, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6), (b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment.

ALLEGATION 6: That Lieutenant Colonel (b)(6), (b)(7)(C) between on or about 5 October 2010 and on or about (b)(6), (b)(7)(C) at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the (b)(6), (b)(7)(C) in that he failed to provide for an environment in the 55th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6), (b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment.

ALLEGATION 7: That Lieutenant Colonel (b)(6), (b)(7)(C) between on or about 1 May 2010 and on or about (b)(6), (b)(7)(C) Joint Base Balad, Iraq, was derelict in the performance of his duties as the (b)(6), (b)(7)(C) Expeditionary Fighter Squadron Commander, in that he failed to enforce military equal opportunity policy of not tolerating sexual harassment in the 22d Expeditionary Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6), (b)(7)(C) did not take sufficient action to eradicate objectively offensive materials that played frequently at the Operations Desk, thereby failing to enforce a zero tolerance policy of sexual harassment.

ALLEGATION 8: That Lieutenant Colonel (b)(6), (b)(7)(C) between on or about 5 October 2010 and on or about (b)(6), (b)(7)(C) at or near Joint Base Balad, Iraq, was derelict in the performance of his duties as the 22d Expeditionary Fighter Squadron Commander, in that he

failed to provide for an environment within the 22d Expeditionary Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that squadron jets re-deployed on 5 October 2010. Allegation 6 covers the alleged timeframe when the squadron was located at Shaw AFB.

ALLEGATION 9: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 May 2010 and on or about 1 July 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to comply with rules prohibiting the release of Privacy Act information concerning Technical Sergeant (b)(6),(b)(7)(C) to third parties, as it was his duty to do under Air Force Instruction 33-332, *Privacy Act Program*, 29 January 2004, paragraph 12.4, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6),(b)(7)(C) shared general information about complainant's (b)(6),(b)(7)(C) with one field grade officer who had expressed concern about complainant's whereabouts. According to the testimony, all other personnel who knew of complainant's (b)(6),(b)(7)(C) either had a need to know or were told by complainant.

ALLEGATION 10: That Captain (b)(6),(b)(7)(C) identified (b)(6),(b)(7)(C) a flight surgeon, between on or about 1 May 2010 and on or about 1 July 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to comply with rules prohibiting the release of Privacy Act information concerning Technical Sergeant (b)(6),(b)(7)(C) to third parties, as it was his duty to do under Air Force Instruction 33-332, *Privacy Act Program*, 29 January 2004, paragraph 12.4, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* There was no evidence that Lt Col (b)(6),(b)(7)(C) improperly informed anyone of complainant's medical condition while at the deployed location

ALLEGATION 11: That Captain (b)(6),(b)(7)(C) identified as (b)(6),(b)(7)(C) a flight surgeon, between on or about 1 May 2010 and on or about 1 July 2010, at or near Joint Base

Balad, Iraq, was derelict in the performance of his duties, in that he failed to comply with rules prohibiting the release of medical information concerning Technical Sergeant (b)(6),(b)(7)(C) to third parties, as it was his duty to do under Air Force Instruction 41-210, *Patient Administration Functions*, 22 March 2006, paragraph 2.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* There was no evidence that Lt Col (b)(6),(b)(7)(C) improperly released information regarding complainant's medical condition while at the deployed location.

ALLEGATION 12: That Captain (b)(6),(b)(7)(C) identified as Lt Col (b)(6),(b)(7)(C) a flight surgeon, between on or about 1 May 2010 and on or about 1 July 2010, at or near Joint Base Balad, Iraq, did make a statement concerning required (b)(6),(b)(7)(C) for Technical Sergeant (b)(6),(b)(7)(C) in the presence of other members of her unit, to wit: "We can just throw her on the table right here if someone can find a speculum," or words to that effect, which conduct constituted conduct unbecoming an officer and a gentleman, in violation of Article 133, Uniform Code of Military Justice, Conduct Unbecoming an Officer and Gentleman.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence does not support finding that Lt Col (b)(6),(b)(7)(C) made the statement, "We can just throw her on the table right here if someone can find me a speculum."

ALLEGATION 13: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 May 2010 and on or about 4 October 2010, Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct of a sexual nature that created a hostile work environment, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 1.1.2, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence does not support finding that complainant was subjectively offended by the video in question at the time. Evidence supports that complainant danced and sang to the video and never complained about the video to Lt Col (b)(6),(b)(7)(C). The evidence also supports the conclusion that complainant and Lt Col (b)(6),(b)(7)(C) had a friendly and professional working relationship, making the complainant's rationale for not speaking out about the video unlikely.

ALLEGATION 14: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2010 and on or about 30 December 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct that created a hostile work environment on the basis of sex, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that squadron jets re-deployed on 5 October 2010. As such, with the squadron jets having been re-deployed, 55 FS Airmen would not be performing Top-Three or SARM duties. Additionally, AFCEM/HO provided evidence that the alpha roster showed "IDY EXP DATE" of 2 October for Lt Col (b)(6),(b)(7)(C).

ALLEGATION 15: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 May 2010 and on or about 4 October 2010, Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct of a sexual nature that created a hostile work environment, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 1.1.2, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence does not support finding that Lt Col (b)(6),(b)(7)(C) ever played the video while performing duties at the Operations Desk.

ALLEGATION 16: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2010 and on or about 31 December 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct that created a hostile work environment on the basis of sex, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that squadron jets re-deployed on 5 October 2010. As such, with the squadron jets having been re-deployed, 55 FS Airmen would not be performing Top-Three duties.

ALLEGATION 17: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 10 December 2010 and on or about 4 October 2011,

at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to provide for an environment within the 55th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment.

ALLEGATION 18: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2011 and on or about 12 June 2012, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to provide for an environment within the 55th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, Incorporating Change 1, 5 October 2011, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment. Commanders have a duty to ensure an environment free of offensive materials.

ALLEGATION 19: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 15 June 2012 and on or about 31 October 2012, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to provide for an environment within the 55th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, Incorporating Change 1, 5 October 2011, paragraph 1.23.1 in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6),(b)(7)(C) was taking active steps

to change the environment in the 55 FS. Evidence included directing subordinates to stop showing inappropriate materials during academic sessions and no evidence of pornography being offered as bribes for a specific name during naming ceremonies.

ALLEGATION 20: That Lieutenant Colonel (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) between on or about 3 June 2011 and on or about 4 October 2011, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 77th Fighter Squadron Commander, in that he failed to provide for an environment within the 77th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Lt Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment. Commanders have a proactive duty to ensure an environment free of offensive materials.

ALLEGATION 21: That Lieutenant Colonel (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) between on or about 5 October 2011 and on or about 31 October 2012, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 77th Fighter Squadron Commander, in that he failed to provide for an environment within the 77th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, Incorporating Change 1, 5 October 2011, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported the finding that Lt Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment. Commanders have a proactive duty to ensure an environment free of offensive materials.

ALLEGATION 22: That Lieutenant Colonel (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) between on or about 5 August 2011 and on or about 4 October 2011, at or near Shaw Air Force Base, South Carolina, was derelict in the

performance of his duties as the 79th Fighter Squadron Commander, in that he failed to provide for an environment within the 79th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that in the first four weeks of his command prior to the 79 FS deployment to Southwest Asia in September 2011, there would have been insufficient time to take significant actions to change the environment of the squadron. Given Lt Col (b)(6),(b)(7)(C) actions, while in the deployed location with regard to inappropriate materials in briefs, the IO concluded his actions at home station would have been consistent with his actions while deployed.

ALLEGATION 23: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2011 and on or about 31 October 2012, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 79th Fighter Squadron Commander, in that he failed to provide for an environment within the 79th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, Incorporating Change 1, 5 October 2011, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that female underwear hanging from the mounted tiger's mouth in the squadron bar/break room were objectively offensive and reasonably created a hostile work environment. Commanders have a proactive duty to ensure the environment is free from offensive objects.

ALLEGATION 24: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 July 2011 and on or about 31 August 2011, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct that created a hostile work environment on the basis of sex, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that this allegation did not occur during the alleged timeframe. Additionally, Lt Col (b)(6),(b)(7)(C) did not engage in any conduct that was objectively offensive. A video showed him singing a song that had profanity in it, but which song was not degrading to women. He was in civilian clothes. Further, although the video was provided by TSgt (b)(6),(b)(7)(C) the IO found no evidence that the video was on a non-secure internet protocol router (NIPR) drive. The IO found his conduct did not create a hostile work environment.

ALLEGATION 25: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 July 2011 and on or about 31 August 2011, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct that created a hostile work environment on the basis of sex, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that this allegation did not occur during the alleged timeframe. Additionally, Lt Col (b)(6),(b)(7)(C) did not engage in any conduct that was objectively offensive. A video showed him in a room where others were singing a song that had profanity in it, but which song was not degrading to women. Further, although the video was provided by TSgt (b)(6),(b)(7)(C) the IO found no evidence that the video was on a NIPR network drive. The IO found his conduct did not create a hostile work environment.

ALLEGATION 26: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 January 2008 and on or about 31 December 2008, at or near Las Vegas, Nevada, was derelict in the performance of his duties, in that he failed to act to maintain good order, discipline, and morale when he attended a party with enlisted members and commissioned officers, during which an enlisted female member became so intoxicated that she could not stand on her own, as it was his duty to do under Air Force Instruction 36-2906, *Professional and Unprofessional Relationships*, 1 May 1999, paragraph 7, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported that it was unlikely Lt Col (b)(6),(b)(7)(C) was present in the "New York, New York" casino bar where two independent groups of 55 FS members ran into each other during an exercise at Nellis AFB,

(b) Additionally, the evidence does not support that the officers and enlisted were "hanging out," nor does the evidence support that officers were attempting to get the enlisted member drunk.

ALLEGATION 27: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 January 2008 and on or about 31 December 2008, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties, in that he failed to take appropriate action in response to Technical Sergeant (b)(6),(b)(7)(C) report of pornographic/sexually explicit material in the 55th Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Lt Col (b)(6),(b)(7)(C) was under no duty to investigate or report an allegation of sexual harassment, as he was not the commander; the AFI only imposes a duty on the commander. Furthermore, Lt Col (b)(6),(b)(7)(C) took reasonable steps to resolve the complaint by 1) having the materials removed from the squadron; 2) informing the 55 FS/CC of the complaint; and 3) briefing the squadron members that those materials would no longer be tolerated.

ALLEGATION 28: That Senior Master Sergeant (b)(6),(b)(7)(C) between on or about 1 January 2010 and on or about 31 May 2010, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of her duties, in that she failed to take appropriate action in response to Technical Sergeant (b)(6),(b)(7)(C) report of a hostile work environment in the 55th Fighter Squadron, as it was her duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* SMSgt (b)(6),(b)(7)(C) was under no duty to investigate or resolve a complaint of sexual harassment, as the AFI places that duty on commanders. Further, a preponderance of the evidence supported that SMSgt (b)(6),(b)(7)(C) acted reasonably considering the totality of the circumstances, including 1) SMSgt (b)(6),(b)(7)(C) and complainant's friendship; 2) the manner in which the information was conveyed to SMSgt (b)(6),(b)(7)(C) and 3) the complainant's inconsistent actions.

ALLEGATION 29: That Captain (b)(6),(b)(7)(C) between on or about 15 February 2010 and on or about 4 October 2010, within the

continental United States, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct of a sexual nature that created a hostile work environment, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 1.1.2, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence did not support that Capt (b)(6), (b)(7)(C) knew or reasonably should have known that his behavior created a hostile work environment, as his unofficial duty as (b)(6), (b)(7)(C) was at the direction of the squadron commander who was setting the standards for appropriate and inappropriate behavior. Additionally, there was no evidence found from the alleged timeframe of Capt (b)(6), (b)(7)(C) engaging in inappropriate behavior.

ALLEGATION 30: That Captain (b)(6), (b)(7)(C) between on or about 5 October 2010 and on or about 4 October 2011, within the continental United States, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct that created a hostile work environment on the basis of sex, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence did not support that Capt (b)(6), (b)(7)(C) knew or reasonably should have known that his behavior created a hostile work environment, as his unofficial duty as "mayor" was at the direction of the squadron commander who was setting the standards for appropriate and inappropriate behavior. Also, there was no evidence found to support complainant's claim that strippers were hired for a squadron naming or roll call while in Las Vegas, Nevada.

ALLEGATION 31: That Captain (b)(6), (b)(7)(C) between on or about 5 October 2011 and on or about 31 October 2012, within the continental United States, was derelict in the performance of his duties, in that he failed to refrain from engaging in conduct that created a hostile work environment on the basis of sex, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, Incorporating Change 1, 5 October 2011, paragraph 1.1.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence did not support that Capt (b)(6), (b)(7)(C) knew or reasonably

should have known that his behavior created a hostile work environment, as his unofficial duty as (b)(6),(b)(7)(C) was at the direction of the squadron commander who was setting the standards for appropriate and inappropriate behavior. Additionally, the squadron was deployed for the majority of the alleged timeframe and no inappropriate materials were found on the network drive that were saved under Capt (b)(6),(b)(7)(C) named during the alleged timeframe.

ALLEGATION 32: That Captain (b)(6),(b)(7)(C) between on or about 15 February 2010 and on or about 31 October 2012, within the continental United States, violated a lawful general regulation, to wit: paragraph 2.2, Air Force Instruction 33-129, *Web Management and Internet Use*, 3 February 2005, Incorporating Change 3, 12 September 2009, by wrongfully storing, processing, displaying, sending, or otherwise transmitting offensive material on a government-provided computer, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that one document (out of the 5,041 collected from the 20 OG network drives) had two inappropriate images of a sexual nature that had been saved by Capt (b)(6),(b)(7)(C) according to the properties, thus supporting the conclusion that Capt (b)(6),(b)(7)(C) violated the AFI.

ALLEGATION 33: That Senior Master Sergeant (b)(6),(b)(7)(C) between on or about 1 July 2006 and on or about 31 July 2008, at or near Shaw Air Force Base, South Carolina, did maltreat Technical Sergeant (b)(6),(b)(7)(C) a person subject to his orders, by subjecting her to repeated verbal conduct of a sexual nature that created a hostile working environment, in violation of Article 93, Uniform Code of Military Justice, Cruelty and Maltreatment.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported SMSgt (b)(6),(b)(7)(C) frequently used profanity in the workplace. There was no evidence found that he used profanity in a sexual nature that would have created a hostile work environment.

ALLEGATION 34: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 July 2006 and on or about 31 July 2008, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 20th Operations Support Squadron Commander, in that he failed to enforce military equal opportunity policy of not tolerating sexual harassment in the 20th Operations Support Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity*

(MEO) Program, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence did not support Lt Col (b)(6), (b)(7)(C) knew or should have known that SMSgt (b)(6), (b)(7)(C) conduct was objectively offensive or that complainant was subjectively offended. Complainant's own testimony was that she never told Lt Col (b)(6), (b)(7)(C).

ALLEGATION 35: That Lieutenant Colonel (b)(6), (b)(7)(C) between on or about 22 June 2007 and on or about 2 March 2009, at or near Shaw Air Force Base, South Carolina, tolerated the drinking of alcohol by commissioned officers in the workplace within the 55th Fighter Squadron during regular duty hours while other members of the unit were working, which conduct was prejudicial to good order and discipline, in violation of Article 134, Uniform Code of Military Justice, General Article.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported that officers drank while on duty during academic sessions while enlisted were working. The conduct called the pilots' officership and leadership into question. The conduct also violated Shaw AFB Supplement 1 to AFI 34-129, *Alcoholic Beverage Program*.

ALLEGATION 36: That Lieutenant Colonel (b)(6), (b)(7)(C) between on or about 2 March 2009 and on or about 10 December 2010, at or near Shaw Air Force Base, South Carolina, tolerated the drinking of alcohol by commissioned officers in the workplace within the 55th Fighter Squadron during regular duty hours while other members of the unit were working, which conduct was prejudicial to good order and discipline, in violation of Article 134, Uniform Code of Military Justice, General Article.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported that officers drank while on duty during academic sessions while enlisted were working. The conduct called the pilots' officership and leadership into question. The conduct also violated Shaw AFB Supplement 1 to AFI 34-129, *Alcoholic Beverage Program*.

ALLEGATION 37: That Lieutenant Colonel (b)(6), (b)(7)(C) between on or about 10 December 2010 and on or about 12 June 2012, at or near Shaw Air Force Base, South Carolina, tolerated the drinking of alcohol by commissioned officers in the workplace within the 55th Fighter Squadron during regular duty hours while other members of the unit were working, which conduct was prejudicial to good order and discipline, in

violation of Article 134, Uniform Code of Military Justice, General Article.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported that officers drank while on duty during academic sessions while enlisted were working. The conduct called the pilots' officership and leadership into question. The conduct also violated Shaw AFB Supplement 1 to AFI 34-129, *Alcoholic Beverage Program*.

ALLEGATION 38: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 15 June 2012 and on or about 31 October 2012, at or near Shaw Air Force Base, South Carolina, tolerated the drinking of alcohol by commissioned officers in the workplace within the 55th Fighter Squadron during regular duty hours while other members of the unit were working, which conduct was prejudicial to good order and discipline, in violation of Article 134, Uniform Code of Military Justice, General Article.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported that officers drank while on duty during academic sessions while enlisted were working. The conduct called the pilots' officership and leadership into question. The conduct also violated Shaw AFB Supplement 1 to AFI 34-129, *Alcoholic Beverage Program*.

Alleged Misconduct 2002 to 2006 Luke AFB, Arizona:

2002-2006: TSgt (b)(6), (b)(7)(C) alleged pilots subjected her to inappropriate situations involving alcohol use in her unit, sexually offensive behavior within the unit and sexual harassment at a sporting event. Examples included enlisted members cleaning up vomit in the squadron left by inebriated pilots and one of the pilots, whom TSgt (b)(6), (b)(7)(C) could not identify by name at the time of the complaint clarification interview with SAF/IG, making inappropriate comments to her at a baseball game regarding her appearance in the presence of her husband. *Resolution path:* TSgt (b)(6), (b)(7)(C) did not identify witnesses beyond her husband regarding these complaints and could not identify by name the pilot who she alleged made the inappropriate comments. SAF/IG determined the significant passage of time would seriously impede the ability to identify witnesses with information relevant to these issues, the availability of those witnesses, and the ability of those witnesses to recall events accurately. Therefore, these allegations were not investigated further. Although the alcohol-related incidents in this portion of TSgt (b)(6), (b)(7)(C) complaint concerning her time at Luke AFB will not be investigated due to the passage of time and degraded ability to collect meaningful evidence, similar alcohol-related incidents were investigated regarding her complaints against unit members in the 20 OG at Shaw AFB, SC, after June 2006.

Alleged Misconduct 2000-2001 Kunsan AB, South Korea:

(b)(6), TSgt (b)(6), alleged that while assisting the 8 FW/CV with a flight records review in his office, the 8 FW/CV offered her alcohol and encouraged her to remove her BDU top, which would have left her in a utility shirt (a T-shirt) and utility pants. (Ex 40:61-62) Further, she alleged the 8 FW/CV was openly pleased with the female Airmen at Kunsan AB; TSgt (b)(6), specifically indicated the 8 FW/CV told her she looked good in her uniform. (Ex 40:50, 63) Resolution path: Although TSgt (b)(6), (b)(7)(C) could not identify the 8 FW/CV in (b)(6), (b)(7)(C) by name, the IO determined the individual serving in that position at the time is no longer on active duty. Further, TSgt (b)(6), (b)(7)(C) did not specify witnesses that could corroborate the details of these complaints. SAF/IG determined that the significant passage of time would seriously impede the ability to identify witnesses with information relevant to these issues, the availability of those witnesses, and the ability of those witnesses to accurately recall events. Therefore, these allegations were not investigated further.

TSgt (b)(6), (b)(7)(C) also alleged a number of other incidents in which alcohol and socializing led to inappropriate activities both on and off base. In one example, TSgt (b)(6), (b)(7)(C) related that while she was in a downtown area called "A-Town," a male, whom TSgt (b)(6), (b)(7)(C) could not identify but she thought to be a pilot from Kunsan AB, picked up TSgt (b)(6), (b)(7)(C) carried her from the street into a bar, and placed her on top of a table in the bar, where people she thought to be pilots were singing songs with offensive lyrics. (Ex 1:5, Ex 40:66-68) TSgt (b)(6), (b)(7)(C) also recounted an incident on base during which a pilot she identified as Capt (b)(6), (b)(7)(C) pushed her up against a wall with his body. (Ex 40:51) Another example involved a group of pilots inviting TSgt (b)(6), (b)(7)(C) and another female enlisted member to go over to the home of the 8 FW/CC, then Col (b)(6), (b)(7)(C) for breakfast after TSgt (b)(6), (b)(7)(C) returned to the base from a night of partying. (Ex 40:52) At this breakfast at the 8 FW/CC's house, TSgt (b)(6), (b)(7)(C) alleged that she was unwillingly duct-taped to a male military member she presumed to be a pilot. (Ex 40:53-56) Resolution path: TSgt (b)(6), (b)(7)(C) did not specify witnesses that could corroborate the details of these complaints with the exception of the incident at the 8 FW/CC's home. For this incident, TSgt (b)(6), (b)(7)(C) identified the 8 FW/CC at the time, then-Col (b)(6), (b)(7)(C) and a fellow Airman, MSgt (b)(6), (b)(7)(C) who accompanied her to the 8 FW/CC's home. According to TSgt (b)(6), (b)(7)(C) MSgt (b)(6), (b)(7)(C) retired and they no longer keep in contact. (Ex 40:51) Although the IO found the 8 FW/CC at the time is still on active duty, SAF/IG concluded that the significant passage of time would seriously impede the ability to identify witnesses with information relevant to these issues; the availability of those witnesses; the ability of those witnesses to accurately recall events; the ability to identify relevant evidence; and the availability of relevant evidence. Therefore, these allegations were not investigated further.

Alleged Misconduct 1995 to 1996 Pope AFB, North Carolina:

(b)(6), TSgt (b)(6), alleged at Pope AFB, she was issued chemical warfare gear marked with what TSgt (b)(6), thought was the Spanish word for bitch. (Ex 40:215)
Resolution path: TSgt (b)(6) did not identify witnesses or specify subjects regarding this allegation. Because of the significant passage of time, SAF/IG determined that credible witnesses were not likely available to produce evidence against a named subject; therefore, this matter was not investigated further.

(b)(6),(b)(7) TSgt (b)(6), alleged while on deployment to Sembach AB, Germany, a master sergeant, she could not identify at the time of the complaint clarification interview with SAF/IG, took her to his room after a night of drinking, dropped his pants, and told her to touch his penis. TSgt (b)(6), stated in testimony the master sergeant never touched her during this incident. (Ex 40:5-13) Given that this complaint alleged potential criminal misconduct, it was referred to AFOSI and will not be addressed in detail under the cover of this report. However, a synopsis of the incident/findings is included later in the "Summary and Conclusions" section. Resolution path: Referred to AFOSI.

In conducting the analysis above and determining how to address the wrongdoing alleged by TSgt (b)(6), (b)(7)(C) the IO considered the timeliness of the complaints spanning 17 years. Regarding issues and allegations pertaining to events that occurred several years prior to TSgt (b)(6), (b)(7)(C) filing her IG complaint, SAF/IG weighed a number of factors, including paragraph 2.5.2 of AFI 90-301 governing the Complaints Resolution Program. The paragraph states in part:

Complainants must submit IG complaints in a timely manner in order for the IG to resolve them effectively. An IG is not required to look into a complaint if the complainant has failed to present the matter to an IG within 60 days of learning of the alleged wrong. IG complaints not reported within 60 days may seriously impede the gathering of evidence and testimony. The IG may dismiss a complaint if, given the nature of the alleged wrong and the passage of time, there is reasonable probability insufficient information can be gathered to make a determination, and/or no special Air Force interests exist to justify investigating the matter.

SAF/IG recognized the nature of the alleged misconduct raised by TSgt (b)(6), (b)(7)(C) is of significant interest to the Air Force. Complaints of sexual harassment and sexual assault are of paramount concern to our leadership at all levels. On the other hand, a substantial amount of the alleged wrongdoing occurred a significant number of years ago. The passage of years supports the probability that available information would be insufficient to make a determination of a substantiated finding against an identified

subject. In light of these competing factors, SAF/IG balanced the significant nature of TSgt (b)(6), complaints with the reasonable probability that information would be insufficient to make a determination on those complaints. In doing so, SAF/IG considered the impact of the passage of time on TSgt (b)(6),(b) ability to identify alleged wrongdoers and corroborating witnesses; the IO's ability to determine the identities of alleged wrongdoers and corroborating witnesses; the ability of alleged wrongdoers and corroborating witnesses to accurately recall events; the IO's ability to gather corroborating physical evidence; whether alleged wrongdoers are still on active duty in the Air Force and could be held accountable; and whether corroborating witnesses are still in the Air Force and could be ordered to testify in the matter. Consequently, it was not reasonable to conclude that a sufficient investigation could be done that would lead to anything other than an allegation unable to be substantiated due to lack of first-hand knowledge and lack of recall. Therefore, where SAF/IG found it unlikely to be able to prove individual culpability, TIG engaged senior leaders with actions and recommendations that demanded change Air Force wide. Many of the changes are in various stages of implementation and are discussed in the "Summary and Conclusions" section below.

VI. SUMMARY AND CONCLUSIONS.

Results of TSgt Smith's Complaints:

TSgt (b)(6), (b)(7)(C) alleged misconduct spanning assignments at six locations over 17 years. SAF/IG referred two complaints, one involving an incident that occurred in the 1995-1996 timeframe at Sembach AB and one involving an incident that occurred in 2010 in Iraq, to AFOSI for investigation, because they involved potentially criminal misconduct. During the course of the AFOSI investigation, other incidents were raised by the complainant and investigated by OSI. A synopsis of the incidents and OSI findings are covered below.

SAF/IG determined the remaining complaints of misconduct that is alleged to have occurred before TSgt (b)(6), (b)(7)(C) assignment to Shaw AFB in 2006 will not be investigated, because the significant passage of time since the alleged misconduct supports a reasonable probability that information gathered would be substantially degraded, unavailable, or untrustworthy due to the lengthy passage of time. The reasons supporting statutes of limitations are designed to ensure not only that the evidence to be gathered is still available, but also that subjects of such allegations will have reasonable access to evidence and memories that have not become so faded as to become untrustworthy. These factors were determined to make a fair determination on those complaints unlikely.

SAF/IG referred the complaints stemming from TSgt (b)(6), (b)(7)(C) assignment at Shaw AFB, consisting of 38 allegations and involving 16 subjects, to the 9 AF/CC for investigation. While several of these allegations were also very old and subject to many of the same elements of unfairness which support reasonable statutes of limitations, they pertained to many of the same personnel and locations over the entire time of TSgt (b)(6), (b)(7)(C) assignment to Shaw AFB. Therefore, many of the normal statute of limitations concerns were found to be sufficiently mitigated. As a result of TSgt (b)(6), (b)(7)(C) complaints and other factors, CSAF also directed an Air Force-wide Health and Welfare Inspection on 28 Nov 12 and continues to implement measures to eliminate sexual harassment and sexual assault within the Air Force.

Results of 9 AF CDI:

The appointed IO completed the 9 AF/CC CDI in May 2013 after interviewing 205 witnesses, 102 of which were enlisted members. Although 25% of the enlisted members interviewed stated that they observed inappropriate material on network drives, none, other than the complainant, had chosen to mention it before the investigation. Additionally, no complaints of sexual harassment were made to the Equal Opportunity Office at the 20 FW between 2008 and 2012. (Ex 10:1-2) The investigation substantiated 16 allegations against eight subjects. At the completion of the 9 AF CDI report, four subjects were still under the command of the 9 AF/CC, three subjects had

changed duty stations to areas outside of the 9 AF/CC command chain, and the remaining subject retired in October 2009. TIG referred the substantiated allegations against the three subjects remaining on active duty not assigned to 9 AF to the Commanders of Air Education and Training Command (AETC), United States Air Forces in Europe (USAFE), and Air Force District of Washington (AFDW) for command action, as appropriate. (Ex 26) The following is a summary of the substantiated allegations (Ex 10):

Col (b)(6),(b)(7)(C) 20 OG/CC (two substantiated allegations):
The CDI IO found Col (b)(6),(b)(7)(C) (1) was derelict in the performance of his duties as the 20 OG/CC in failing to take steps to prevent sexual harassment in the 20 OG (preventive measures and proactive steps were insufficient to convey the Air Force policy of zero tolerance for sexual harassment in the workplace, to include discouraging activities that would create a hostile work environment; inaction by squadron commanders implied Col (b)(6),(b)(7)(C) direction on this issue lacked a sense of urgency and seriousness regarding preventing and correcting a hostile work environment) and (2) was derelict in the performance of his duties as the 20 OG/CC in failing to take action in response to TSgt (b)(6),(b)(7)(C) complaint of sexual harassment (did not take sufficient action to investigate or resolve TSgt (b)(6),(b)(7)(C) complaint, including not reviewing materials on network drives or directing commanders to do so and not meeting with TSgt (b)(6),(b)(7)(C) to ensure her concerns were addressed).

Lt Col (b)(6),(b)(7)(C) 77 FS/CC (two substantiated allegations):
The CDI IO found Lt Col (b)(6),(b)(7)(C) was derelict in the performance of his duties as the 77 FS/CC in failing to provide an environment free of sexual harassment (condoned displaying offensive materials of a sexual nature in the squadron during academic sessions and naming ceremony events, which created an objectively hostile work environment -- two allegations of a continuing course of conduct that spanned the timeframe in which the relevant AFI 36-2706, *Equal Opportunity Program Military and Civilian*, was amended).

Lt Col (b)(6),(b)(7)(C) previously 79 FS/CC, now 20 OG/CD (one substantiated allegation): The CDI IO found Lt Col (b)(6),(b)(7)(C) was derelict in the performance of his duties as the 79 FS/CC in failing to provide an environment free of sexual harassment (knew of female underwear hanging on the tooth of a mascot displayed in the squadron bar/break room, which was objectively offensive and reasonably created a hostile work environment, for period of weeks/months and failed to take action to remove them).

Lt Col (b)(6),(b)(7)(C) 55 FS/CC, (one substantiated allegation): The CDI IO found Lt Col (b)(6), tolerated the drinking of alcohol by officers in the workplace during regular duty hours while other members of the unit worked (officers drank while on duty during academic sessions while enlisted members were working, calling the officers' officership and leadership into question and violating Shaw AFB Supplement 1 to AFI 34-219).

Lt Col (now Col) (b)(6),(b)(7)(C) previously 55 FS/CC, now Director, Deployable AOC (CAOC 5), Poggio Renatico, Italy (five substantiated allegations): The CDI IO found then-Lt Col (b)(6),(b)(7)(C) (1) was derelict in the performance of his duties as the 55 FS/CC in failing to enforce a policy of not tolerating sexual harassment and failing to provide an environment free of sexual harassment (condoned displaying offensive materials of a sexual nature in the squadron during academic sessions and naming ceremony events, which created an objectively hostile work environment, and did not take sufficient action to eradicate objectively offensive materials that played frequently within the workplace, thereby failing to enforce a zero tolerance policy of sexual harassment - three allegations of a continuing course of conduct both at the home duty station and while deployed that spanned the timeframe in which the relevant AFI 36-2706, *Equal Opportunity Program Military and Civilian* was amended), (2) was derelict in failing to comply with Privacy Act rules (shared information about TSgt (b)(6),(b)(7)(C) with one unit member who did not have a need to know), and (3) tolerated the drinking of alcohol by officers in the workplace during regular duty hours while other members of the unit worked (officers drank while on duty during academic sessions while enlisted members were working, calling the officers' officership and leadership into question and violating Shaw AFB Supplement 1 to AFI 34-219).

Lt Col (Col-select) (b)(6),(b)(7)(C) previously 55 FS/CC, now (b)(6),(b)(7)(C) (three substantiated findings): The CDI IO found Lt Col (b)(6),(b)(7)(C) (1) was derelict in the performance of his duties as the 55 FS/CC in failing to provide an environment free of sexual harassment (condoned displaying sexually offensive materials in the squadron during academic sessions and a naming ceremony event, which created an objectively hostile work environment - two allegations of a continuing course of conduct that spanned the timeframe in which the relevant

⁹ Col (b)(6), invoked his Article 31, UCMJ, rights and refused to be interviewed.

¹⁰ Lt Col (b)(6),(b)(7)(C) invoked his Article 31, UCMJ, rights and refused to be interviewed.

AFI 36-2706, *Equal Opportunity Program Military and Civilian*, was amended) and (2) tolerated the drinking of alcohol by officers in the workplace during regular duty hours while other members of the unit worked (officers drank while on duty during academic sessions while enlisted members were working, calling the officers' officership and leadership into question and violating Shaw AFB Supplement 1 to AFI 34-219).

Capt (Major-select) (b)(6),(b)(7)(C) previously pilot in 55 FS, now at Luke AFB, AZ (one substantiated finding): The CDI IO found Capt (b)(6),(b)(7)(C) violated AFI 33-129 by wrongfully storing offensive material on a government computer (saved two files with images that were sexually suggestive on a government computer).

Lt Col (Ret) (b)(6),(b)(7)(C) retired in 2009 (one substantiated finding): The CDI IO found Lt Col (b)(6),(b)(7)(C) tolerated the drinking of alcohol by officers in the workplace during regular duty hours while other members of the unit worked (officers drank while on duty during academic sessions while enlisted members were working, calling the officers' officership and leadership into question and violating Shaw AFB Supplement 1 to AFI 34-219).

Results of AFOSI Investigations: – Incident Summaries/Findings from TSgt (b)(6),(b)(7)(C) Criminal Misconduct Complaints:¹¹

Incident 1: Alleged that an unidentified master sergeant exposed himself to TSgt (b)(6),(b)(7)(C) in 1996 while deployed to Sembach AB, Germany; unidentified master sergeant retired in 1996;

- AFOSI identified the master sergeant and interviewed him under Article 31, Uniform Code of Military Justice, rights advisement; Subject vaguely recalled TSgt (b)(6),(b)(7)(C) and denied any form of contact with her;

- Additional witness interviews and records checks of Subject could not corroborate TSgt (b)(6),(b)(7)(C) allegations; file closed with no legal action taken.

Incident 2: Alleged sexual assault by unknown Army member while deployed to Balad, Iraq, in 2010;

- AFOSI interviewed TSgt (b)(6),(b)(7)(C) family members and roommates and they were unable to provide pertinent information;

¹¹ Sourced information for the criminal investigations is not contained as an exhibit under the cover of this report.

- AFOSI transferred the case to the Army Criminal Investigation Command (CID)¹² with AFOSI supporting;
- CID conducted a photo lineup with TSgt (b)(6), (b)(7) of 30 Army males deployed to Balad during the alleged timeframe; however, TSgt (b)(6), (b)(7) was unable to identify Subject;
- CID closed its case; no further action taken since no Subject could be identified.

Incident 3:¹³ Alleged that a major hugged and kissed an Airman (grade at time unknown) at Eglin AFB, FL, in 2000; the Airman is now a master sergeant and the major retired in 2001;

- AFOSI interviewed the master sergeant, who said Subject kissed her on the lips for approximately 2 seconds after her going-away luncheon; the master sergeant said she had no other interaction with Subject;
- Witness interviews could not corroborate the allegation;
- AFOSI interviewed Subject, who could not recall the master sergeant or the alleged incident; file was closed.

Incident 4: Alleged that a staff sergeant was recently raped by an unknown Air Force member at a party near Pope AFB, NC;

- AFOSI interviewed the staff sergeant who claimed she was raped by a technical sergeant;
- AFOSI determined the person alleged to be a technical sergeant was a civilian; AFOSI referred the case to the local police department (PD), which is lead on the investigation.

Incident 5: Alleged that a staff sergeant was raped by an unknown Turkish dress shop owner while the staff sergeant was deployed;

- AFOSI interviewed the staff sergeant, who said an unknown male touched her breasts at an Israeli dress shop in Fayetteville, NC, several years ago; the staff sergeant could not provide the location of the dress shop or any other information to help locate the dress shop or the unknown male;
- In coordination with the local PD, AFOSI determined the most probable shop that matched the staff sergeant's description had closed two years ago and the owner was unknown by the local PD;
- Witness interviews of shops adjacent to the likely dress shop could not corroborate any of the staff sergeant's allegations;

¹² The D is formally retained as a historical reminder that the organization's roots are founded in the original name Criminal Investigation Division (CID). (IO et al)

¹³ Incidents 3-7 involve conduct that TSgt (b)(6), (b)(7) identified to AFOSI; TSgt (b)(6), (b)(7) did not include this specific conduct in her complaint or her complaint clarification interview with the SAF/IG IO.

- AFOSI referred the case to the local PD.

Incident 6: Alleged that a captain previously assigned to Shaw AFB, SC, was having adulterous sexual relations with a lieutenant, an Air Force civilian, and an enlisted member;

- Allegation did not meet AFOSI investigative thresholds and was referred to 9 AF for CDI.

Incident 7: Alleged that a former Airman (grade at time unknown) assigned to Shaw AFB was photographed nude while she was passed out from alcohol; the Airman is now a civilian attending Liberty University;

- AFOSI interviewed the former Airman and she denied being sexually assaulted or touched; AFOSI referred the matter to 9 AF for CDI.

Other Actions: Air Force Initiatives to Eliminate Sexual Harassment and Sexual Assault:

CSAF and other Air Force senior leaders continue to move forward with initiatives to ensure that all Air Force members are provided with a workplace focused on professionalism. On 28 Nov 12, shortly after contacting TSgt (b)(6), (b)(7)(C) directly by phone concerning her complaints, CSAF met with all wing commanders in person at Andrews AFB, Maryland, to task them to examine their work settings and ensure Airmen at all levels consistently apply standards of professionalism and respect across the service. CSAF did so by directing a Health and Welfare Inspection that started on 5 Dec 12 to emphasize an environment of respect, trust, and professionalism in the workplace, sending the message to all Air Force members that inappropriate material in the workplace would not be tolerated in any Air Force unit. (Ex 11)

The inspection included over 100 Air Force installations involving nearly 600,000 Air Force military and civilian personnel. Commanders were directed to find and remove any documents or media that fell within three broad categories: 1) pornographic, 2) unprofessional, or 3) inappropriate or offensive. Commanders found and removed 631 instances of pornography, 3,987 instances of unprofessional material, and 27,598 instances of inappropriate or offensive items. (Ex 24)

The inspection was but one in a series of initiatives the Air Force has undertaken to combat sexual harassment and sexual assault. The Air Force conducted bystander intervention training service wide, examined supplementary training for commanders, and made multiple avenues of support available to every victim of sexual assault. Support services include counseling, medical, mental health, and safety services and a victim's advocate (VA), among other things. Also of note, the Air Force has launched a pilot program designed to provide legal assistance to victims of sexual assault. Starting on 28 Jan 13, the Special Victims' Counsel Program began providing sexual assault

victims legal assistance to help them navigate the criminal justice system with lawyers trained to handle their unique needs.

The following is a list of recently implemented initiatives aimed at combating sexual harassment and sexual assault:

- 2011 -- Published Wing Commanders Guide to Sexual Assault Prevention & Response (SAPR). (Ex 23)
 - This document focuses on instructing commanders about their responsibilities regarding the work environment. The guide discusses the five key elements of a wing commander's responsibility for sexual assault risk management, which are personal leadership, climate environment, community leadership, victim response, and offender accountability. The elements encompass both prevention and response strategies. Further, the guide points out that attention to these elements has a positive effect on individuals and overall mission readiness. (Ex 23:2)
- August 2012 -- Published AFPD 1 Policy Directive focused on standards for Air Force Culture. (Ex 7)
 - This directive highlights Air Force culture and establishes Air Force policy concerning professionalism and standards expected of all Airmen. The directive states, "It is every Airman's duty and obligation to act professionally and meet all Air Force standards at all times. Only by doing so can the United States Air Force continue to be the world's greatest Air Force and retain its time-honored culture and the vital trust, respect, and confidence of the American public." (Ex 7:2)
- August 2012 -- Published AFI 1-1, *Air Force Standards*, focused on standards for Air Force culture. (Ex 6)
 - This instruction implemented Air Force Policy Directive 1 and reiterates the Air Force zero-tolerance policy toward unlawful discrimination of any kind, including sexual harassment. This zero-tolerance policy means that once unlawful discrimination is alleged, appropriate action will be taken to investigate/resolve allegations and stop unlawful behavior. Air Force members must not unlawfully discriminate against, harass, intimidate, or threaten another person on

the basis of race, color, religion, gender, national origin, age, disability, reprisal, or genetic information. (Ex 6:10)

- November 2012 – Prior to the announcement of his decision to direct the Air Force-wide Health and Welfare Inspection, CSAF personally contacted TSgt (b)(6), to voice his concern regarding the issues raised in her complaint. (IO et al)
- 28 Nov 12 – CSAF met with all Air Force wing commanders at Andrews AFB and directed them to conduct inspections to examine their work settings and ensure Airmen at all levels consistently apply standards of professionalism and respect across the service. The inspections were completed in December 2012 and the results, discussed earlier in this report, were released in January 2013. (Ex 12, Ex 24, Ex 28)
- Other actions implemented by Air Force agencies in FY12 regarding SAPR programs, including actions focused on preventing sexual harassment:
 - AFOSI developed an eight-day advanced Sex Crimes Investigations Training Program (SCITP) and authored a new policy to improve agents' ability to investigate these types of crimes. SCITP attendees were taught the cognitive interview technique, which was designed to enhance victim and witness recall of crime details. (Ex 30:22)
 - Provided 100% expedited transfer approval for victims requesting transfer after a sexual assault incident. (Ex 30:28)
 - Resourced a Sexual Assault Response Coordinator (SARC) for each Air Force installation. A standard core personnel document is currently in classification with the Air Force Personnel Center to employ full-time SAPR VAs by 1 Oct 13. (Ex 30:39)
 - Trained 70 new SARCs in a 40-hour course, and 96 SARCs received training to operate in a deployed environment. Additionally, 5,145 SAPR VAs received training, to include deployment training. (Ex 30:33)
 - Trained 4,592 wing, vice wing, and group commanders in SAPR. (Ex 28, Ex 30:34)

- 2,046 criminal investigators received Annual Periodic Sexual Assault Investigations Training and 24 completed the Sex Crimes Investigation Training Program. Additionally, 170 criminal investigators attended the Basic Special Investigations Course and 17 attended the Advanced General Crimes Investigation Course. (Ex 30:34)
- Provided 24,680 Air Force medics with first responder SAPR training for healthcare providers. (Ex 30:34-35)
- The Judge Advocate General's School (TJAGS) provided formal training to over 1,400 judge advocates and paralegals. Additionally, over 1,000 judge advocates and paralegals viewed webcasts on sexual assault-related topics, and hundreds more attended training conducted at venues other than TJAGS. (Ex 30:35)
- The Air Force Assistant Secretary chaired the SAPR Executive Steering Group (ESG), comprised of stakeholders dedicated to the eradication of sexual assault within the Air Force. The ESG convened twice in FY12, providing senior leaders an opportunity to discuss and improve the Air Force SAPR Program. Moving forward, in addition to ensuring senior SAPR policy oversight, the ESG will also begin reporting to the Community Action Information Board senior leadership body to increase information sharing. (Ex 30:43)
- Conducted the Air Force annual SAPR Leader Summit, where participants heard from leadership and national experts on a variety of topics concerning sexual assault. To supplement discussions, the Air Force distributed a Wing Commander's SAPR Guide, developed by subject matter experts, current wing commanders, and command chiefs. The guide included statistics, facts, and talking points to help installation leaders speak authoritatively on the topic of sexual assault to Airmen under their command. (Ex 30:47)
- January 2013 -- Stood up the Special Victims' Counsel Program to develop victims' understanding of the military justice process, protect the rights afforded to victims in the military justice system, and empower victims by removing barriers to their full participation in the military justice process. (Ex 16, Ex 17, Ex 18)
- Effective 28 Jan 13, Airmen and other entitled persons who report as victims of sexual assault are eligible to be assigned a personal

attorney, called a Special Victims' Counsel (SVC), at Air Force expense.

- As of 19 Jul 13, over 370 victims of sexual assault have been represented by SVCs.
- SVCs are active duty judge advocates whose sole role is to represent victims in a confidential, attorney-client relationship, throughout the investigation and prosecution processes.
- Each SVC's chain of command runs through the Air Force Legal Operations Agency in Washington, DC. This independence means that no one in a victim's chain of command or the chain of command of the perpetrator will influence an SVC's representation of his or her clients.
- 24 SVCs and 10 Special Victims' Paralegals are serving in this capacity worldwide. They received training at a weeklong course at TJAGS, which training included instruction from civilian victims' rights attorneys.
- 3 Jun 13 – Directed USAF SAPR Stand-down Day. (Ex 34)
 - To continue toward eliminating sexual harassment and sexual assault, SECAF directed that (1) The Air Force Audit Agency conduct a 100% review of credentials and qualifications of currently serving recruiters, SARCs, and VAs to ensure they meet applicable selection criteria and standards; (2) SARCs and VAs receive refresher training on professional responsibilities and ethics, their critical responsibilities and standards, and the impact on mission readiness of violations of our standards; and (3) commanders provide purposeful and direct engagement with their members and civilian employees on SAPR principles and the climate of dignity and respect necessary in every work place.
- 6 Jun 13 -- Implemented a new requirement that trial counsel notify all victims of offenses tried by court-martial of their right to submit a victim impact statement for consideration by the convening authority at clemency. (Ex 36)
- 6 Jun 13 – Elevated oversight of SAPR Office from one-star general to a two-star general, solely dedicated to the mission of sexual assault

prevention. The two-star general selected to lead the new directorate reports directly to the Vice Chief of Staff of the Air Force and served as the IO for the Commander Directed Investigation Report entitled "Developing America's Airmen: A Review of Air Force Enlisted Training," 22 Aug 12, which looked into the sexual misconduct within the Basic Military Training environment. (Ex 13, Ex 20)

- 17 Jun 13 -- Implemented a policy requiring the Special Court-Martial Convening Authority to provide the General Court-Martial Convening Authority with notice of the initial disposition action in sexual assault cases and for the General Court-Martial Convening Authority to sign the written report of command action that is provided to AFOSI before close-out of an investigation. (Ex 37)
- 2 Jul 13 -- Implemented changes to administrative discharge processing by (1) adding provisions for Airmen who have made an unrestricted report of sexual assault within the last year of their right to request review and approval by the General Court-Martial Convening Authority of their proposed discharge where the Airman asserts the discharge is in retaliation for a sexual assault report; (2) adding provisions for mandatory involuntary discharge processing of Airmen who commit sexual assault and making the retention and waiver authority for sexual assault cases the General Court-Martial Convening Authority; and (3) adding an enumerated involuntary separation provision for Airmen who engage in an unprofessional relationship while serving in a special position of trust as recruiter, faculty or staff. (Ex 38)
- August 2013 -- By the end of August 2013, The Inspector General will have personally briefed and trained every (100%) sitting wing and group commander in the Air Force on sexual assault prevention and response to include eliminating sexual harassment. The following statement sets the tone and direction given to each of those commanders and is communicated in person by TIG (Ex 21, IO et al):

“If we’re going to get serious about preventing sexual assault, we need to get serious about eliminating environments conducive to sexual harassment or unprofessional relationships. Both are leading indicators of sexual assault and other behavior and performance issues.” *Gen Welsh, Air Force Chief of Staff*

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Col, USAF

SAF/IG Investigating Officer

I have reviewed this Report of Investigation and the accompanying legal review and I concur with their findings.

Regarding this investigation and its results the Air Force Inspector General in support of the Secretary and the Air Force Chief of Staff continues to press forward to ensure that all Airmen are treated with the respect and dignity they deserve. When Air Force supervisors and members fail to adhere to these standards, the Inspector General through his investigative and inspection assets will actively pursue resolution of complaints and allegations. The Inspector General and staff fully support the initiatives discussed in this report and others dedicated to preventing sexual assault and sexual harassment.

(b)(6),(b)(7)(C)

STEPHEN P. MUELLER
Lieutenant General, USAF
The Inspector General

LIST OF EXHIBITS

	Exhibit
Technical Sergeant (b)(6),(b)(7)(C) Complaint	1
TSgt (b)(6), Complaint Referral Memorandum for 9 AF-CC	2
Not Used	3
Not Used	4

Standards

AFI 90-301, <i>Inspector General Complaints Resolution</i> , 23 Aug 11, Incorporating Chg 1, 6 Jun 12, Extract	5
AFI 1-1, <i>Air Force Standards</i> , 7 Aug 12	6
AFPD 1-1, <i>Air Force Culture</i> , 7 Aug 12	7
Not Used	8
Not Used	9

Documents

CDI Concerning Misconduct within the 20 FW - 10 May 13 (Report Extract)	10
CSAF Directs Air Force-wide Health and Welfare Inspection	11
CSAF Talks Leadership with Wing Commanders	12
Former Safety Chief Heads Sexual Assault Prevention Efforts	13
Historian Inputs for TSgt (b)(6),(b)(7)(C) Commanders	14
Expedited Transfer Based upon Unrestricted Sexual Assault	15
Special Victims' Counsel (SVC) Program Fact Sheet	16
SVC Overview for Commanders, 26 Jan 13	17
SVC Rules of Practice and Procedure, 24 Jan 13	18
Letter from SECAF, CSAF and CMSAF on Sexual Assault	19
New SAPR Office Organization Chart, 6 Jun 13	20
The Inspector General (TIG) Pre-Command Training	21
TSgt (b)(6),(b)(7)(C) Enlisted Performance Reports	22
Wing Commanders' Guide to Sexual Assault Prevention and Response	23
USAF Health and Welfare Inspection Findings	24
AETC Commander's Report to Secretary on Maj Gen Woodward's CDI	25
Command Action Referral for Subjects Not Under 9 AF CC Command	26
Investigating Officer Appointment Memo - Col (b)(6),(b)(7)(C)	27
CSAF Briefing to Wing Commanders on Sexual Assault Prevention & Response, 28 Nov 12	28
SVC Charter Signed by TJAG 24, Jan 13	29

Extracts from FY12 DoD SAPRO Annual Report on Sexual Assault, VOLUME ONE	30
Enclosure 3 (Air Force), FY12 DoD SAPRO Annual Report on Sexual Assault, VOLUME ONE	31
Extracts from FY12 DoD SAPRO Annual Report on Sexual Assault, VOLUME TWO	32
Complaint Analysis Regarding Maj Gen Wells, S7090P	33
CSAF SAPR Stand-down and CONOPs	34
9 AF/CC CDI Update Memo (26 Apr 13)	35
AFI 51-201, <i>Administration of Military Justice</i> , 6 Jun 13, Extract	36
SAF Memo on GCMCA Review in Certain Sexual Assault Cases, 17 Jun 13	37
AFI 36-3208, <i>Administrative Separation of Airmen</i> , 9 Jul 04, Incorporating Through Change 7, 2 Jul 13, Extract	38
Not Used	39

Testimony

TSgt (b)(6),(b)(7)(C) Complaint Clarification Interview	40
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**The Inspector
General
of the Air Force**

**Addendum to
July 2013
Report of Investigation
(FRNO: 2012-22115)
Complainant: Technical Sergeant**

(b)(6), (b)(7)(C)

October 2013

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TABLE OF CONTENTS

	Page
I. Background	1
II. Summary of Amended Findings	1
III. Conclusions	8
IV. List of Exhibits	9

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ADDENDUM TO JULY 2013 REPORT OF INVESTIGATION (FRNO: 2012-22115)

CONCERNING

Allegations of Wrongdoing from Technical Sergeant (b)(6),(b)(7)(C)

PREPARED BY
COLONEL (b)(6),(b)(7)(C)
October 2013

I. BACKGROUND

In July 2013, SAF/IG completed a Report of Investigation (ROI) concerning various allegations of wrongdoing brought by Technical Sergeant (TSgt) (b)(6),(b)(7)(C) Shaw Air Force Base (AFB), South Carolina (SC). The July 2013 ROI contains a complete summary of the background, allegations, findings, and conclusions relevant to TSgt (b)(6),(b)(7)(C)'s complaint. (Ex 9) The scope and authority for this addendum are the same as detailed in the July 2013 ROI. (Ex 9:2) Additionally, applicable standards for allegations discussed in this addendum remain the same as covered in the original SAF/IG ROI and are not addressed again. (Ex 9:10-13) This addendum pertains to additional investigative actions taken with regard to allegations addressed in the commander-directed investigation (CDI) conducted by the Ninth Air Force (9 AF) Commander (CC) as a result of TSgt (b)(6),(b)(7)(C)'s allegations. Specifically, this addendum addresses allegations concerning Colonel (Col) (b)(6),(b)(7)(C),¹ who served as the 55th Fighter Squadron (FS)/CC, Shaw AFB, SC, and the 55th Expeditionary Fighter Squadron (EFS)/CC, Joint Base Balad, Iraq, during the timeframe of the alleged wrongdoing.

II. SUMMARY OF AMENDED FINDINGS REGARDING COL (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

The July 2013 SAF/IG ROI included findings and conclusions from the 9 AF CDI, which addressed six allegations against Col (b)(6),(b)(7)(C). SAF/IG referred the allegations to 9 AF/CC based on information gathered from TSgt (b)(6),(b)(7)(C)'s testimony to

¹ At the time of the alleged wrongdoing, Col (b)(6),(b)(7)(C) was a lieutenant colonel and is referenced as such in the allegations addressed in this addendum.

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the SAF/IG Investigating Officer (IO) and legal advisor.² The allegations and findings from the original 9 AF CDI are listed below (Ex 9 @ Ex 10:3-4, 12):

ALLEGATION 5: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 2 March 2009 and on or about 4 October 2010, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to enforce military equal opportunity policy of not tolerating sexual harassment in the 55th Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment.

ALLEGATION 6: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2010 and on or about 10 December 2010, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to provide for an environment in the 55th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron during academic sessions and naming ceremony events. The materials created an objectively hostile work environment.

ALLEGATION 7: That Lieutenant Colonel (b)(6),(b)(7)(C), between on or about 1 May 2010 and on or about 4 October 2010, Joint Base Balad, Iraq, was derelict in the performance of his duties as the 22d Expeditionary Fighter Squadron Commander,³ in that he failed to enforce

² For consistency and reference, allegation numbers for referrals and additional investigations remained the same in all reports of investigation.

³ According to the 9 AF CDI, the correct unit designator was the 55th Expeditionary Fighter Squadron. The IO concluded and we concur that the error in the original allegation did not materially change the nature of the allegation or the subject's responsibility as the commander of the squadron.

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military equal opportunity policy of not tolerating sexual harassment in the 22d Expeditionary Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Col (b)(6),(b)(7)(C) did not take sufficient action to eradicate objectively offensive materials that played frequently at the Operations Desk, thereby failing to enforce a zero tolerance policy of sexual harassment.

ALLEGATION 8: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2010 and on or about 10 December 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties as the 22d Expeditionary Fighter Squadron Commander,⁴ in that he failed to provide for an environment within the 22d Expeditionary Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that squadron jets re-deployed on 5 Oct 10. Allegation 6 covers the alleged timeframe when the squadron was located at Shaw AFB.

ALLEGATION 9: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 May 2010 and on or about 1 July 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to comply with rules prohibiting the release of Privacy Act information concerning Technical Sergeant (b)(6),(b)(7)(C) to third parties, as it was his duty to do under Air Force Instruction 33-332, *Privacy Act Program*, 29 January 2004, paragraph 12.4, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Col (b)(6),(b)(7)(C) shared general information about complainant's (b)(6),(b)(7)(C) with one field grade officer who had expressed concern about complainant's whereabouts. According to the testimony, all other

⁴ According to the 9 AF CDI, the correct unit designator was the 55th Expeditionary Fighter Squadron. The IO concluded and we concur that the error in the original allegation did not materially change the nature of the allegation or the subject's responsibility as the commander of the squadron.

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personnel who knew of complainant's (b)(6),(b)(7)(C) either had a need to know or were told by complainant.

ALLEGATION 36: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 2 March 2009 and on or about 10 December 2010, at or near Shaw Air Force Base, South Carolina, tolerated the drinking of alcohol by commissioned officers in the workplace within the 55th Fighter Squadron during regular duty hours while other members of the unit were working, which conduct was prejudicial to good order and discipline, in violation of Article 134, Uniform Code of Military Justice, General Article.

SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported that officers drank while on duty during academic sessions while enlisted were working. The conduct called the pilots' officership and leadership into question. The conduct also violated Shaw AFB Supplement 1 to AFI 34-219,⁵ *Alcoholic Beverage Program*.

The scope of the allegations against Col (b)(6),(b)(7)(C) included the period from 2009 through 2010, when Col (b)(6),(b)(7)(C) was under the command responsibility of 9 AF/CC. Pursuant to AFI 90-301, *Inspector General Complaints Resolution*, 23 Aug 11, Incorporating Change 1, 6 Jun 12, paragraph 1.30.1, 9 AF/CC had the authority to investigate any allegations of misconduct by Col (b)(6),(b)(7)(C) during that timeframe unless preempted by higher authority. When the July 2013 investigation completed, Col (b)(6),(b)(7)(C) had been reassigned to United States Air Forces in Europe Command (USAFE). More specifically, he was assigned to the Air Force Element (AFELM) of North Atlantic Treaty Organization (NATO) Allied Air Command. Col (b)(6),(b)(7)(C)'s immediate commander at the time was Col (b)(6),(b)(7)(C) AFELM/CC NATO, Allied Air Command. (Ex 2)

SAF/IG referred the substantiated allegations concerning Col (b)(6),(b)(7)(C) to USAFE/CC on 12 Jun 13. (Ex 1) Upon receiving the referral of the substantiated allegations against Col (b)(6),(b)(7)(C), Col (b)(6),(b)(7)(C) conducted an interview with Col (b)(6),(b)(7)(C) who had chosen not to provide testimony during the 9 AF CDI upon the advice of counsel. On 26 Jul 13, Col (b)(6),(b)(7)(C) concluded that he could not take command action based on the conclusions detailed in the 9 AF CDI. (Ex 2) On 27 Aug 13, USAFE/CC proposed to the Air Force Chief of Staff (CSAF) that the matter be referred to 9 AF/CC for reconsideration based on new information provided by Col (b)(6),(b)(7)(C) during his interview with Col (b)(6),(b)(7)(C). CSAF concurred. (Ex 4) On 28 Aug 13, SAF/IG referred the matter to 9 AF/CC, recommending the original 9 AF CDI IO be tasked to consider the new information. Additionally, SAF/IG recommended that an addendum and legal

⁵ The July 2013 SAF/IG ROI misprinted reference to this instruction as AFI 34-129 rather than AFI 34-219.

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review of the addendum would be the most effective way to proceed in reopening the 9 AF investigation and taking the review to a logical conclusion. (Ex 5)

The 9 AF CDI IO completed the additional investigation, and 9 AF/CC approved the report on 29 Sep 13. (Ex 6; Ex 8) Based on testimony from Col (b)(6),(b)(7)(C) and evidence regarding a Unit Climate Assessment (UCA) conducted in Col (b)(6),(b)(7)(C)'s squadron at Shaw AFB during the first year of Col (b)(6),(b)(7)(C)'s command, the IO determined that the preponderance of evidence no longer supported substantiating Allegations 5 and 6. The findings and conclusions from the 9 AF additional investigation are as follows:

ALLEGATION 5: That Lieutenant Colonel (b)(6),(b)(7)(C), between on or about 2 March 2009 and on or about 4 October 2010, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to enforce military equal opportunity policy of not tolerating sexual harassment in the 55th Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

Amended to NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence did not support finding that Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron. The IO balanced the weight of the UCA, Col (b)(6),(b)(7)(C)'s testimony, and the lack of any complaints to either him or the Equal Opportunity Office in light of the testimony gathered during the CDI and concluded that the greater weight of the evidence supported finding that Col (b)(6),(b)(7)(C) was actively engaged in trying to ensure a healthy atmosphere in the squadron. (Ex 6:11-12)

ALLEGATION 6: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2010 and on or about 10 December 2010, at or near Shaw Air Force Base, South Carolina, was derelict in the performance of his duties as the 55th Fighter Squadron Commander, in that he failed to provide for an environment in the 55th Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

Amended to NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence did not support a finding that Col (b)(6),(b)(7)(C) condoned displaying sexually offensive materials in the squadron. No specific evidence indicated inappropriate behavior during the short

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timeframe between 5 Oct 10 and 10 Dec 10. The squadron had just returned from a deployment and many were gone on reconstitution leave for most of October. (Ex 6:13-14)

ALLEGATION 7: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 May 2010 and on or about 4 October 2010, Joint Base Balad, Iraq, was derelict in the performance of his duties as the 22d Expeditionary Fighter Squadron Commander, in that he failed to enforce military equal opportunity policy of not tolerating sexual harassment in the 22d Expeditionary Fighter Squadron, as it was his duty to do under Air Force Instruction 36-2706, *Military Equal Opportunity (MEO) Program*, 29 July 2004, paragraph 2.5.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

Remained SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Col (b)(6),(b)(7)(C) did not take sufficient action to eradicate objectively offensive materials that played frequently at the Operations Desk. (Ex 6:15-17)

ALLEGATION 8: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 5 October 2010 and on or about 10 December 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties as the 22d Expeditionary Fighter Squadron Commander, in that he failed to provide for an environment within the 22d Expeditionary Fighter Squadron that was free from sexual harassment, as it was his duty to do under Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian*, 5 October 2010, paragraph 1.23.1, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

Remained NOT SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that squadron jets re-deployed on 5 Oct 10. Allegation 6 covers the alleged timeframe when the squadron was located at Shaw AFB. (Ex 6:18-19)

ALLEGATION 9: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 1 May 2010 and on or about 1 July 2010, at or near Joint Base Balad, Iraq, was derelict in the performance of his duties, in that he failed to comply with rules prohibiting the release of Privacy Act information concerning Technical Sergeant (b)(6),(b)(7)(C) to third parties, as it was his duty to do under Air Force Instruction 33-332, *Privacy Act Program*, 29 January 2004, paragraph 12.4, in violation of Article 92, Uniform Code of Military Justice, Failure to Obey Order or Regulation.

Remained SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported finding that Col (b)(6),(b)(7)(C) shared general information about

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complainant's (b)(6),(b)(7)(C) with one field grade officer who had expressed concern about complainant's whereabouts. The testimony of two credible witnesses contradicted Col (b)(6), (b)(7)(C)'s denials concerning the disclosure. (Ex 6:20-21)

ALLEGATION 36: That Lieutenant Colonel (b)(6),(b)(7)(C) between on or about 2 March 2009 and on or about 10 December 2010, at or near Shaw Air Force Base, South Carolina, tolerated the drinking of alcohol by commissioned officers in the workplace within the 55th Fighter Squadron during regular duty hours while other members of the unit were working, which conduct was prejudicial to good order and discipline, in violation of Article 134, Uniform Code of Military Justice, General Article.

Remained SUBSTANTIATED. *Summary of analysis:* Preponderance of the evidence supported that officers drank while on duty during academic sessions while enlisted were working. Col (b)(6),(b)(7)(C)'s endorsement of officers' drinking of alcohol while subordinates were conducting duties compromised the good order and discipline of the squadron. (Ex 6:22-23)

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III. CONCLUSIONS

The 9 AF additional investigation requested by USAFE/CC yielded a change from five to three substantiated allegations against Col (b)(6), (b)(7)(C). 9 AF/CC concurred with the findings and conclusions set out in the 9 AF CDI IO's addendum. We also concur with the findings and conclusions contained in the 9 AF CDI IO's addendum.

(b)(6), (b)(7)(C)

, Col, USAF
SAF/IG Investigating Officer

I have reviewed this Addendum to the July 2013 Report of Investigation and the accompanying legal review and I concur with their findings and conclusions.

(b)(6), (b)(7)(C)

STEPHEN P. MUELLER
Lieutenant General, USAF
The Inspector General

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LIST OF EXHIBITS

	Exhibit
TIG Command Action Referral Memo to USAFE/CC - 12 Jun 13.....	1
Referral Completion Report from AFELM NATO Allied Air Command/CC.....	2
Colonel (b)(6),(b)(7)(C) Summarized Testimony to AFELM/CC.....	3
CSAF Concurrence with USAFE/CC's Request for 9 AF CDI Review	4
SAF/IG Formal Request to 9 AF/CC to Conduct Review of CDI Findings Pertaining to Col (b)(6),(b)(7)(C)	5
Addendum to 9 AF CDI Report.....	6
9 AF/JA Legal Review of Additional Investigation	7
9 AF/CC Appointing Authority Approval of Additional Investigation.....	8
SAF/IG Report of Investigation into Allegations of Wrongdoing from Technical Sergeant (b)(6),(b)(7)(C) - July 2013	9
Not Used	10
Not Used	11

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